
By: **Delegates Dembrow and Murphy**
Introduced and read first time: January 31, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Medical Use of Marijuana - Affirmative Defense**

3 FOR the purpose of allowing certain individuals in a prosecution for possession of
4 marijuana to assert a certain defense and introduce certain evidence;
5 establishing a certain defense; and generally relating to the medical use of
6 marijuana as an affirmative defense.

7 BY adding to
8 Article - Criminal Law
9 Section 5-610
10 Annotated Code of Maryland
11 (As enacted by Ch. ____ (H.B. 11) of the Acts of the General Assembly of 2002)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Law**

15 5-610.

16 IN A PROSECUTION FOR POSSESSION OF MARIJUANA, A PERSON WHO CLAIMS
17 TO HAVE POSSESSION AS A RESULT OF MEDICINAL USE FOR TREATMENT OF A
18 MEDICAL CONDITION MAY:

19 (1) ASSERT AS AN AFFIRMATIVE DEFENSE THAT THE POSSESSION OF
20 MARIJUANA IS MEDICALLY NECESSARY DUE TO A MEDICAL CONDITION; AND

21 (2) INTRODUCE EVIDENCE, INCLUDING EXPERT TESTIMONY, ON THE
22 ISSUE OF THE PERSON'S MEDICAL CONDITION AND THE MEDICAL NECESSITY FOR
23 USING MARIJUANA.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2002.